

OCT 27 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

UNITED STATES OF AMERICA	)	Criminal No. 5:02cr30041-4
	)	
v.	)	<u>2255 MEMORANDUM OPINION</u>
	)	
WILLIAM PETTIS	)	By: Samuel G. Wilson
	)	United States District Judge

William C. Pettis has filed a motion purportedly pursuant to 28 U.S.C. § 2255 challenging the validity of his plea of guilty to charges of conspiracy to distribute and possess with intent to distribute 50 grams or more of crack cocaine, in violation of 21 U.S.C. § 846, and possession of a firearm in furtherance of that offense, in violation of 18 U.S.C. § 924(c)(1). However, Pettis previously filed a § 2255 motion challenging the validity of the same conviction,<sup>1</sup> the court denied that motion on July 13, 2006, and the Court of Appeals dismissed his appeal on December 22, 2006. Upon review of the court's records, the court finds that Pettis' current § 2255 motion must be dismissed as successive.

I.

This court has jurisdiction to consider a second or successive § 2255 motion only upon a specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Earlier, Pettis filed a petition in this court for permission to file a successive motion pursuant to 28 U.S.C. § 2255, and the court informed him that he must seek permission from the Court of Appeals for the Fourth Circuit and apprised him of the

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<sup>1</sup> See Pettis v. United States, Civil Action No. 7:05cv00610 (W.D. Va. July 13, 2006).

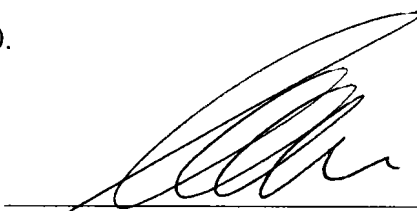
procedures he must follow.<sup>2</sup> To date, Pettis has not obtained the approval required from the Court of Appeals. Accordingly, the court will dismiss Pettis' petition and motion without prejudice as successive.

## II.

For the reasons stated, the court dismisses Pettis' § 2255 motion as successive.

The Clerk of the Court is directed to send certified copies of this Memorandum Opinion and accompanying Order to petitioner.

**ENTER:** This 26<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
United States District Judge

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<sup>2</sup> He was apprised as follows: "Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive §2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244. A Fourth Circuit form and instruction for filing this motion are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219."